

Notice of Allowability

Application No.

10/765,583

Examiner

Chih-Cheng Glen Kao

Applicant(s)

TOTH ET AL.

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/13/06.
2. ☒ The allowed claim(s) is/are 1-12, 14-16, 18-27 and 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Brill on 2/23/06.

1. The application has been amended as follows:

In claim 18, line 1, in the phrase "medium of claim 17"; replacing "17" with - -15- -.

Reasons for Allowance

2. Claims 1-12, 14-16, 18-27, and 29 are allowed. The following is an examiner's statement of reasons for allowance.

3. Regarding claim 1, prior art fails to disclose or fairly suggest a method of centering a subject in a medical imaging device including the steps of determining a center of mass of a subject from at least one scout scan and an elevational profile of the subject, and comparing the center of mass of the subject to a reference point, in combination with all the limitations in the claim. Claims 2-12 and 14 are allowed by virtue of their dependency.

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4. Regarding claim 15, prior art fails to disclose or fairly suggest a computer readable storage medium having stored thereon a computer program representing a set of instructions, which when executed by at least one processor, causes the at least one processor to determine a value of mis-centering of a centroid of a subject within a medical imaging device, wherein the at least one processor is further caused to determine the centroid of the subject from at least one of at least two scout scans and at least one scout scan and an elevational profile of the subject, in combination with all the limitations in the claim. Claims 16 and 18-21 are allowed by virtue of their dependency.

5. Regarding claim 22, prior art fails to disclose or fairly suggest a method of medical imaging including the steps of performing at least one scout scan from which to determine a centroid of a subject, and determining a value of mis-elevation of the subject from a relative position of the centroid of the subject, in combination with all the limitations in the claim. Claims 23-26 are allowed by virtue of their dependency.

6. Regarding claim 27, prior art fails to disclose or fairly suggest a tomographic system including a computer programmed to adjust an elevation of a subject to align a centroid with a reference position, wherein the computer is further programmed to perform at least one scout scan from which to determine the centroid of the subject, in combination with all the limitations in the claim. Claim 29 is allowed by virtue of its dependency.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER